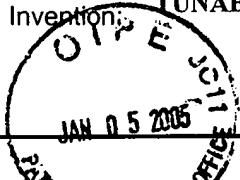


**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): James Allen Cox

Docket No.

15436.437.6

Application No.  
10/037,010Filing Date  
December 31, 2001Examiner  
Hung T. VyCustomer No.  
022913Group Art Unit  
2821Invention: **TUNABLE LASER ASSEMBLY**

I hereby certify that the following correspondence:

Issue Fee Transmittal Letter (1 pg., in duplicate), PTOL-85B Issue Fee Transmittal (1 pg., in duplicate); Comments on Examiner's Statement of Reasons for Allowance (1 pg.); PTO-2038 Credit Card Form in the amount of \$1,703.00 (1 pg.); postcard; and Certificate of Express Mailing Label No. EV 524 682 744 US

*(Identify type of correspondence)*

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PATENT APPLICATION  
Docket No: 15436.437.6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James Allen Cox

Serial No: 10/037,010

) Art Unit  
2821

Filed: December 31, 2001

)

For: TUNABLE LASER ASSEMBLY

)

Examiner: Hung T. Vy

)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communication mailed on October 6, 2004. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Respectfully submitted,

Dated: January 5, 2005

By: 

ERIC L. MASCHOFF  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913